

REMARKS

Favorable reconsideration of the application is respectfully requested in light of the amendments and remarks herein.

Upon entry of this amendment, claims 1, 4-14, 17, 19-25, and 27 will be pending. By this amendment, claims 1, 14, 25, and 27 have been amended. No new matter has been added.

§102 Rejection of Claims 1, 4-14, 17, 19-25 and 27

In Section 3 of the Office Action of March 9, 2006 (hereinafter referred to as “the Office Action”), claims 1, 4-14, 17, 19-25 and 27 stand rejected under 35 U.S.C. §102(b) as being anticipated by Ellis *et al.* (WO 01/19084 A1; hereinafter referred to as “Ellis”).

In the Background section of the Specification, it was indicated that “[s]haring pictures and video among people is often a popular form of entertainment. With the growing popularity of the Internet, sending images across the Internet has also become more popular. ... Recently, mobile devices such as cellular phones and PDA’s (Personal Digital Assistants) include media capture devices such as cameras and microphones. In addition, some devices have data network capability. Accordingly, it is desirable to provide users of these mobile devices with a convenient and enjoyable environment for sharing images and audio across networks.”

Background of the Specification, page 1, lines 18-28.

Thus, to address the need for a convenient and enjoyable environment for sharing images and audio across networks, embodiments of the present invention provide method, device, system, and medium for conveniently publishing media data. For example, claim 1 recites:

A computer-implemented method of publishing media data,
comprising:

accessing a media interface of a media device;

capturing media data using a media capture component of said media device;

storing said captured media data in a media file in storage of said media device;

modifying said captured media data; and

publishing said modified media data to a network server;

wherein said capturing, modifying, and publishing are performed using an instant publish command of a media interface, which is accessed through a single and same operation of said media device;

wherein said performance of said capturing, modifying, and publishing using said instant publish command is made possible by initially configuring the media device with settings for edits, user metadata, and automatic metadata to be added to said captured media data, and by selecting a publishing recipient and any desired publishing rules provided by a selected publishing service.

(emphasis added)

Accordingly, in one aspect of claim 1, the computer-implemented method of publishing media data includes at least capturing media data, modifying the captured media data, and publishing the modified media data using an instant publish command of a media interface, which is accessed through a single and same operation of the media device; wherein the performance of the capturing, modifying, and publishing using the instant publish command is made possible by initially configuring the media device with settings for edits, user metadata, and automatic metadata to be added to the captured media data, and by selecting a publishing recipient and any desired publishing rules provided by a selected publishing service.

For this aspect, the Specification teaches that “the PDA provides ‘one-click publishing’ for a user. The user initially configures the PDA with settings for edits, user metadata, and

automatic metadata to be added to captured media data. The user also selects a publishing recipient and any desired publishing rules provided by the selected publishing service.

Alternatively, some or all of these selections and configurations are set by the manufacturer or service provider. The media publishing interface is accessed through a single command, such as a publish button. When the user presses the publish button, the PDA captures an image as media data, prepares the captured media data by performing any modifications and attaching any metadata indicated by the PDA's configuration, and publishes the prepared media data to the selected publishing server. In this way, the user can add media data with desired metadata to a publishing server with a single user action – with ‘one click.’” *Specification, page 5, line 21 to page 6, line 4* (emphasis added).

Although the Office Action states in Section 3 (page 3) that “Ellis discloses ... said capturing, modifying, and publishing are performed using an instant publishing command of a media interface, which is accessed through a single operation of said media device (page 27 lines 19-25 and page 29, lines 18-32)” *Office Action, page 2, line 21 to page 3, line 7*, the relevant passages of Ellis fail to disclose a computer-implemented method of publishing media data including at least capturing media data, modifying the captured media data, and publishing the modified media data using an instant publish command of a media interface, which is accessed through a single and same operation of the media device; wherein the performance of the capturing, modifying, and publishing using the instant publish command is made possible by initially configuring the media device with settings for edits, user metadata, and automatic metadata to be added to the captured media data, and by selecting a publishing recipient and any desired publishing rules provided by a selected publishing service. For example, passages on pages 27 and 29 neither indicate capturing, modifying, and publishing using a single and same

operation nor initially configuring the media device with settings for edits, user metadata, and automatic metadata to be added to the captured media data, and by selecting a publishing recipient and any desired publishing rules provided by a selected publishing service.

Based on the foregoing discussion, claim 1 should be allowable over Ellis. Further, since independent claims 14, 25, and 27 closely parallel, and recite substantially similar limitations as recited in, independent claim 1, claims 14, 25, and 27 should also be allowable over Ellis. Since claims 4-13 and 19-24 depend from claims 1 and 14, respectively, claims 4-13 and 19-24 should also be allowable over Ellis.

Accordingly, it is submitted that the rejection of claims 1, 4-14, 17, 19-25 and 27 based upon 35 U.S.C. §102(b) has been overcome by the present remarks and withdrawal thereof is respectfully requested.

Conclusion

In view of the foregoing, applicants respectfully request reconsideration of claims 1, 4-14, 17, 19-25, and 27 in view of the remarks and submit that all pending claims are presently in condition for allowance.

In the event that additional cooperation in this case may be helpful to complete its prosecution, the Examiner is cordially invited to contact Applicant's representative at the telephone number written below.

Respectfully submitted,
Procopio, Cory, Hargreaves & Savitch

Dated: July 10, 2006

By: /Samuel S. Lee/
Samuel S. Lee
Reg. No. 42,791

Procopio, Cory, Hargreaves & Savitch LLP
530 B Street, Suite 2100
San Diego, California 92101-4469
(619) 238-1900